



Case Details

Butte County

Case Number
CE18-0567

| | |
|---------------------------------------|----------------------|
| Description: LARGE MARIJUANA GROW | Status: LIEN PROCESS |
| Location: 39° 33.971'N, 121° 22.005'W | |

| | |
|--|---------------------------|
| Type: MARIJUANA | Subtype: |
| Opened: 5/30/2018 | Closed: |
| | Last Action: 4/23/2019 |
| | Follow Up: |
| Site Address: 522 CRYSTAL RANCH RD FEATHER FALLS, CA 95966 | |
| Site APN: 071-270-027 | Officer: DEBBIE LAUGENOUR |
| Details: | |

| | |
|---|-----|
| Case Summary | |
| <input checked="" type="checkbox"/> CASE OPEN | |
| <input type="checkbox"/> OPEN | |
| <input type="checkbox"/> COMPLETED | |
| [7] INSPECTIONS | 330 |
| [54] ACTIONS | 54 |
| [1] VIOLATIONS | 7 |

ADDITIONAL SITES

CONTACTS

| NAME TYPE | NAME | ADDRESS | PHONE | FAX | EMAIL |
|-----------|-----------------------|---|-------|-----|-------|
| OWNER | DONAHUE MICHAEL JAMES | 552 CRYSTAL RANCH RD OROVILLE, CA 95966 | | | |

VIOLATIONS

FINANCIAL INFORMATION

| DESCRIPTION | ACCOUNT | QTY | AMOUNT | PAD | PAID DATE | RECEIPT # | CHECK # | METHOD | PAID BY | CTD BY |
|---|--------------------------|-----|-------------|--------|-----------|-----------|---------|--------|---------|--------|
| D4 MM ADMIN PENALTIES LCL FINES | 0010-4404000-431104-4401 | 0 | \$24,000.00 | \$0.00 | | | | | | |
| Total Paid for D4 MM ADMIN PENALTIES LCL FINES: | | | \$24,000.00 | \$0.00 | | | | | | |

| | | | | | | | | | | |
|---|--------------------------|---|------------|--------|--|--|--|--|--|--|
| D4 MM COSTS CHRG FOR SVCS | 0010-4404000-462005-4401 | 0 | \$3,713.06 | \$0.00 | | | | | | |
| Total Paid for D4 MM COSTS CHRG FOR SVCS: | | | \$3,713.06 | \$0.00 | | | | | | |

TOTALS: \$27,713.06 \$0.00



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| CHRONOLOGY | | | | |
|--------------------------|----------------|-------------|-----------------|---|
| CHRONOLOGY TYPE | STAFF NAME | ACTION DATE | COMPLETION DATE | NOTES |
| 72-HOUR NOTICE POSTED | TIM TORRES | 6/26/2018 | 6/26/2018 | POSTED 72 HR NTC ON TREE AT PROP ACCESS POINT. |
| 72-HOUR NOTICE POSTED | TED WEBER | 7/18/2018 | 7/18/2018 | W/TT FOR OFFICER SAFETY |
| 72-HOUR NTC SENT | TIM TORRES | 6/27/2018 | 6/27/2018 | COPIED, SCANNED, AND MAILED 72 HR NTC |
| CASE REVIEW and ANALYSIS | SHAWN WILLIAMS | 7/19/2018 | 7/19/2018 | FLIGHT PREP & MAPPING |
| CASE REVIEW and ANALYSIS | SHAWN WILLIAMS | 8/20/2018 | 8/20/2018 | On 08/20/2018, I assisted the CEO in charge of this case by sorting helicopter inspection photos into individual files. MMJ ABATED |
| CASE REVIEW and ANALYSIS | TED WEBER | 5/31/2018 | 5/31/2018 | This is a 4.87 acre parcel that is zoned FR5. While it has an address, it does not have a permitted legal residence. There is no well permit on file. The property is owned by Michael James Donahue (100%). Donahue has a mailing address of 522 Crystal Ranch Rd, Oroville, CA 95966. |
| DEMAND LETTER POSTED | TIM TORRES | 9/13/2018 | 9/13/2018 | 9/13/18 POSTED AND PHOTOGRAPHED DEMAND LETTER |



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EMAIL CONFIRM
This email will confirm that you have agreed to preside over a Marijuana hearing on August 15, 2018. See the case details below:

| | | | | |
|--------------|------------------|-----------|-----------|---|
| EMAIL | DEBBIE LAUGENOUR | 7/18/2018 | 7/18/2018 | EMAIL CONFIRM Please contact me if you have any questions or concerns. |
| EMAIL | DEBBIE LAUGENOUR | 9/11/2018 | 9/11/2018 | EMAIL TO HEARING OFFICER AITON TO HEARING OFFICER |
| EMAIL | TIM TORRES | 7/17/2018 | 7/17/2018 | EMAIL TO HEARING OFFICER EMAIL TO PLACE ON FLYLIST FOR REINSPECTION PRIOR TO NA HRG |
| EMAIL | TIM TORRES | 7/18/2018 | 7/18/2018 | EMAIL TO HEARING OFFICER EMAIL TO PLACE ON FLYLIST |
| GENERAL NOTE | DEBBIE LAUGENOUR | 7/18/2018 | 7/18/2018 | ADDED HEARING OFFICER TO OUTLOOK CALENDAR. CREATED HC FILE. ADDED CASE TO MARIJUAN HEARING SPREADSHEET. |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | ADDED HEARING OFFICER CHARGES ONTO SPREADSHEET. |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | UPDATED SPREADSHEET WITH HEARING DECISION AWARD. |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | ADDED COUNTY COUNSEL CHARGES, AND LOTBOOK AND RECORDING COSTS TO SPREADSHEET. |



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| | | | | |
|--------------|------------------|-----------|-----------|--|
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | PREPARED STAFF COST FOR DEMAND. ADDED TO SPREADSHEET |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | PREPARE DEMAND LETTER, GIVE TO MANAGER TO OBTAIN SIGNATURE. UPDATE TRAKIT WITH DEMAND AMOUNTS |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | EMAIL COPY OF DEMAND TO CC FOR MAILING. PUT ORIGINAL IN INTEROFFICE MAIL TO CC. |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/11/2018 | 9/11/2018 | PUT ORIGINAL DEMAND LETTER INTO INTEROFFICE MAIL TO CC. |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/11/2018 | 9/11/2018 | ADDED COST AND PENALTIES INTO TRAKIT. CHANGED STATUS AND ASSIGNED CASE TO ME. UPDATED SPREADSHEET. |
| | | | | CC CONFIRMED DEMAND MAILED TODAY. |
| | | | | From: Tauchman, Beverly Sent: Tuesday, September 11, 2018 8:41 AM To: Laugenour, Debbie <DLaugenour@buttecounty.net> Cc: Jellison, Chris <cjellison@buttecounty.net>; Waybright, Christine <CWbright@buttecounty.net> Subject: RE: Donahue CE18-0567 Demand Letter |
| GENERAL NOTE | DEBBIE LAUGENOUR | 9/11/2018 | 9/11/2018 | Good morning – mailed out today 9/11/18. Beverly Tauchman |
| GENERAL NOTE | DEBBIE LAUGENOUR | 12/7/2018 | 12/7/2018 | WE HELD OFF ON POSTING/MAILING DUE TO CAMP FIRE. PUT TODAY'S DATE ON DEMAND LETTER AND GAVE A COPY TO TED TO POST. ALSO EMAILED A COPY TO COUNTY COUNSEL TO MAIL. |
| GENERAL NOTE | KIM MCMILLAN | 8/28/2018 | 8/28/2018 | PREPARED TRANSFER FOR RECORDATION OF HEARING OFFICERS DECISION FOR \$30.00 AND EMAILED TO BT @ CC. |
| GENERAL NOTE | KIM MCMILLAN | 4/23/2019 | 4/23/2019 | SCANNED AND ATTACHED CLERK RECORDER'S RECEIPT |

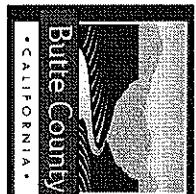


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| | | | | |
|---------------------|------------------|-----------|-----------|--|
| HEARING DATE | TIM TORRES | 7/18/2018 | 7/18/2018 | 0915- W/TW FOR OFFICER SAFETY. CABLE CROSSING ACCESS TO PROP. POSTED NA HRG NTC ON TREE AT ACCESS POINT. PICS TAKEN. |
| HEARING NOTICE SENT | TIM TORRES | 8/15/2018 | 8/15/2018 | NA HRG CONDUCTED. INCLUDES PREP TIME FOR LAPTOP AND MONITOR SETUP |
| LIEN RECORDED | WILLOW EMBERLAND | 4/19/2019 | 7/17/2018 | PREPARED, COPIED, AND MAILED NA HRG NTC FOR 8/15 10AM A COURT HOUSE |
| MEETING | DEBBIE LAUGENOUR | 5/30/2018 | 4/19/2019 | LIEN RECORDED ON 4/18/19 |
| MEETING | DEBBIE LAUGENOUR | 12/7/2018 | 5/30/2018 | DISCUSSED RP'S COMPLAINT IN LOBBY |
| OPENED CASE | DEBBIE LAUGENOUR | 5/30/2018 | 12/7/2018 | ATTORNEY ERPINO CAME INTO THE OFFICE TO INQUIRE ABOUT SETTLEMENT ON THIS AND OTHER CASES HE REPRESENTS OWNERS ON. ADVISED THAT WE WOULD PREPARE SETTLEMENT AGREEMENT AND MAIL/EMAIL TO HIM |
| PHONE CALL | DEBBIE LAUGENOUR | 7/18/2018 | 7/18/2018 | CALLED ADMIN AND GOT THE NEXT HEARING OFFICE ON THE LIST. |
| PHONE CALL | DEBBIE LAUGENOUR | 7/18/2018 | 7/18/2018 | CALLED HEARING OFFICER TO SEE IF HE IS AVAILABLE FOR 8/15/18 HEARING. HE WAS. WILL SEND CONFIRMATION EMAIL. |
| RECEIVED COMPLAINT | DEBBIE LAUGENOUR | 5/30/2018 | 5/30/2018 | RECEIVED A LOBBY COMPLAINT OF A LARGE MARIJUANA GROW, NO LEGAL RESIDENCE, FENCING VIOLATION, GROWER RESIDENCY REQUIREMENTS NOT MET AND NO PERMITTED WATER/SEPTIC |
| SCANNING | DEBBIE LAUGENOUR | 5/30/2018 | 5/30/2018 | SCANNED AND ATTACHED COMPLAINT |
| SCANNING | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | SCANNED AND ATTACHED HEARING OFFICER INVOICE |
| SCANNING | DEBBIE LAUGENOUR | 9/10/2018 | 9/10/2018 | SCANNED AND ATTACHED COST FOR DEMAND |
| SCANNING | DEBBIE LAUGENOUR | 9/11/2018 | 9/11/2018 | SCANNED AND ATTACHED DEMAND LETTER |
| SCANNING | WILLOW EMBERLAND | 8/27/2018 | 8/27/2018 | SCANNED AND ATTACHED NUISANCE ABATEMENT HEARING DECISION |



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| INSPECTION TYPE | INSPECTOR | SCHEDULED DATE | COMPLETED DATE | RESULT | REMARKS | NOTES |
|-----------------------|-----------|----------------|----------------|--------|--------------|---|
| HELICOPTER INSPECTION | TAT | 7/31/2018 | 7/31/2018 | | PHOTOGRAPHER | FLEW WITH SW AS NAV. MMJ HAS BEEN ABATED. |
| HELICOPTER INSPECTION | SDW | 7/31/2018 | 7/31/2018 | | NAV | FLEW W/TT. NO MMJ OBSERVED |



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| Event Type | Officer | Date | Time | Notes |
|-------------------------|---------|-----------|-----------|---|
| INITIAL SITE INSPECTION | TAT | 6/19/2018 | 6/19/2018 | ATTEMPTED W/MF- ATTEMPTED SITE INSPECTION. ENCOUNTERED CLOSED/LOCKED GATE. LEFT BC STAPLED TO TREE AT DRIVEWAY ENTRANCE WITH REQUEST TO CALL ME REGARDING MMJ CASE ON PROP. |
| INITIAL SITE INSPECTION | MWF | 6/19/2018 | 6/19/2018 | 2ND OFFICER W/TT FOR OFFICER SAFTEY |
| INITIAL SITE INSPECTION | TAT | 6/26/2018 | 6/26/2018 | 72 HR NTC POSTED W/TW AND MF- CONDUCTED SITE INSPECTION. LOCATED TWO EMPTY GROW AREAS. ALSO LOCATED APPROX 80 MJ PLANTS IN A GROW AREA APPROX 12'X20'= 240 SQ FT. NEAR AN RV IN FENCED IN AREA. TOOKS PICS FROM ENTRY WAY OF FENCED IN AREA. POSTED 72 HR NOTICE ON TREE AT PROP ACCESS POINT. PIC TAKEN |
| LIEN HEARING POSTED | TRW | 6/26/2018 | 6/26/2018 | 2ND OFFICER W/TT FOR OFFICER SAFETY |
| ATTACHMENTS | | | | |

DEVELOPMENT SERVICES

MAY 30 2018

COUNTRY
BUTTE

Please describe the violation(s) in the space provided below:

202 Mira Loma Dr, Oroville, CA 95965

• For environmental complaints contact Environmental Health at 530.538.7281 or

Other

Illegal use, disposal and/or storage of chemicals

No permitted permanent water supply or no municipal sewer system/permitted sewage disposal system

Grower residency requirements

Does not meet Recommended Requirements (Medical Cannabis)

Building violations (no permit, unpermitted electrical, no ventilation, etc.)

Fencing (no fence on parcel less than 5 acres, unapproved materials, plants are taller than fence, unsecure access, etc.)

Cannabis plants are in public view

Seizeback violation (please specify below in detail)

Outdoor grow on parcel 5.0 acres or less (Non-Medical Cannabis Cultivation)

Outdoor grow on a parcel 0.5 acre or less (Medical Cannabis)

Parcel does not have a legal residence

Cultivation of more than six plants per parcel (Non-Medical Cannabis Cultivation)

Cultivation Area Violation (over max sq. ft. ratio) (Medical Cannabis Cultivation)

Violation(s) that apply AND include written remarks below.

RESTRICTIONS ON CANNABIS CULTIVATION

COMPLAINT FORM

CASE# *DE-18-0567*Property Owner: *M. L. Lorraine* Parcel: *071-270-027*Date: *5/30/18*

Butte County Department of Development Services

7 County Center Drive Oroville, CA 95966 530.538.7601 Telephone 530.538.7785

Facsimile www.butterecounty.net/dds

FORM NO

DCE-2

Butte County Department of Development Services
BUILDING * PLANNING * CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965



RETURN SERVICE REQUESTED

DONAHUE MICHAEL JAMES
522 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966

Butte County Department of Development Services
BUILDING * PLANNING * CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965



RETURN SERVICE REQUESTED

DONAHUE MICHAEL JAMES
552 CRYSTAL RANCH RD
OROVILLE, CA 95966

Barbara L. Lee, Inc., Inc.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 27, 2018 Oroville, California.

DONAHUE MICHAEL JAMES
522 CRYSTAL RANCH RD
OROVILLE, CA 95966
PEATHER FALLS, CA 95966

On June 27, 2018 I served the foregoing 72 HOUR NOTICE TO ATTORNEY
VIOLATION on the person(s) named below by placing a true copy thereof in a sealed envelope
with first class postage thereon fully paid, addressed as indicated below, and by placing said
envelope in the appropriate place within the Department of Development Services where mail is
collected for mailing with the United States Postal Services on the same day.

I am a citizen of the United States and employed in the County of Butte. I am, and was at
the time of the service hereinabove mentioned, over the age of eighteen years and not a party to the
within action. My business address is Department of Development Services, Building Division, 7
County Center Drive, Oroville, California 95965. I am readily familiar with the County's practice
for collection and processing of correspondence/documents for mailing with the United States
Postal Service and that said correspondence/documents are deposited with the United States Postal
Service in the ordinary course of business on the same day.

PROOF OF SERVICE BY MAIL

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA 95965

RETURN SERVICE REQUESTED

DONAHUE MICHAEL JAMES
522 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966

0518-05607 11

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA. 95965

RETURN SERVICE REQUESTED

DONAHUE MICHAEL JAMES
552 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966

CE18-0567

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In preparing for such hearing, you should be aware that if an initial showing is made by the County, sufficient to persuade the Hearing Officer that a public nuisance exists on your property at the time the Notice of Nuisance Abatement Hearing was posted, you will then have the burden of proving that no public nuisance existed on your property. Therefore, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not a public nuisance as defined in this Chapter. A copy of the Butte County Code Chapter 34A and 34C relating to Medical and Non-Medical Marijuana Cultivation and nuisance abatement hearings is enclosed to assist you in the preparation of your presentation, if an initial showing sufficient to persuade the Hearing Officer that a public nuisance existed on your property is made by the Code Enforcement Officer, your failure to sustain the burden of showing that no public nuisance exists on the property may result in a decision by the Hearing Officer that a public nuisance did exist, and that the County is entitled to recover its Administrative Costs, and all Administrative Penalties that accrued up to the time that the nuisance was abated. Further, if the Hearing Officer finds that a public nuisance continues to exist on your property, and you fail to abate the nuisance promptly, the County may abate the nuisance, if the County abates the nuisance, in addition to recovering its Administrative Costs and Penalties, you

The owner(s) and occupant(s) of real property described on the latest equalized Butte County tax roll as A.P.N. 071-270-027, and having a street address of 522 CRYSTAL RANCH RD, FEATHER FALLS, CA is (are) hereby notified to appear before a Hearing Officer of the County of Butte at One Court Street Oroville, CA 95965 on Wednesday, August 15, 2018, at the hour of 10 o'clock AM, to show cause, if any there be, why County Code Chapter 34A and/or Butte County Code Chapter 34C. The Department of Development Services has determined that conditions exist on the above property which constitute a public nuisance and violate County Code section(s) BCC 34A-4; BCC 34C-4 Cultivation Area is greater than authorized, BCC 34C-4 Number of plants being cultivated is greater than authorized, BCC 34A-3(n); BCC 34C-10 No Approved fencing, BCC 34A-7(a); BCC 34C-7(a) No permitted sewer or municipal water source, BCC 34A-7(b); BCC 34C-7(d) No municipal sewer or permitted sewage disposal system. After hearing, if a violation is found to have existed at the time the Notice of Nuisance Abatement Hearing was posted on the property, the Adminisitrative Costs incurred in prosecuting the violation, including, but not limited to, the cost of the Hearing Officer, the cost of prior time and expenses associated with bringing the matter to hearing, attorneys' fees, the cost associated with any appeals from the decision of the Hearing Officer, the cost of judicially abating the violation, the cost of labor and material necessary to physically abate the violation, the cost of securing expert and other witnesses, and the accrual of any Administrative Penalties, may become a lien against the subject property and may also be assessed against the property in the same manner as taxes. If a lien is recorded, it will have the same force and effect as an abstract of judgment which is recorded as a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assess any relevant point at the time of hearing, the County will assert in later judicial proceedings to enforce an order of abatement that you have waived all rights to assert such defenses or such points.

NOTICE OF NUISANCE ABATEMENT HEARING

Owner Name: DONAHUE MICHAEL JAMES

CASE #: CE18-0567

7 County Center Drive
Butte County, California 95965
T: 530.552.3702
T: 530.538.7785
buttecounty.net/dds

Department of Development Services

MR. TIM SNELLINGS, DIRECTOR
PTE CALARCO, ASSISTANT DIRECTOR

DCE-12



By:



Dated: July 17, 2018 BUTTE COUNTY DIRECTOR OF DEVELOPMENT SERVICES

Please contact TIM TORRES, Nuisance Abatement Code Enforcement Officer, at 530.552.3702 or 530.353.0823 if you have any questions regarding your nuisance abatement case or this hearing notice.

IMPORTANT: READ THIS NOTICE CAREFULLY. IN ADDITION TO ANY ADMINISTRATIVE CIVIL PENALTIES THAT HAVE ALREADY ACCRUED, AN ADMINISTRATIVE CIVIL PENALTY OF \$1,000 PER DAY IS HEREBY IMPOSED FROM THE DATE THIS NOTICE WAS POSTED ON YOUR PROPERTY, AND WILL CONTINUE TO ACCRUE AT THAT RATE UNTIL THE NUISANCE IS ABATED. IN ORDER TO PREVENT THE ACCRUAL OF ONGOING PENALTIES AND COSTS, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICE, AND ARRANGE A TIME FOR A CODE ENFORCEMENT OFFICER TO INSPECT YOUR PROPERTY, AND CONFIRM THAT THE VIOLATION(S) HAVE BEEN CORRECTED. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND JUDICIAL ABATEMENT AND TERMINATION OF USES OF OR CONDITIONS ON YOUR PROPERTY WHICH THE DIRECTOR OF DEVELOPMENT SERVICES ARE IN VIOLATION OF THE BUTTE COUNTY CODE.

Abatement Costs, and Administrative Penalties may be specially assessed against your parcel by the Auditor. Abatement Costs of the actual costs of the abatement, in either circumstance, all Administrative Costs, may be responsible for the actual costs of the abatement. Controlers Office and added to the your tax bill as a special assessment. Such special assessments have the same priority, for collection purposes, as other County taxes and, if not paid, may result in a forced sale of your property. You are also hereby notified that the County will seek recovery of attorney's fees incurred in any hearing and that attorney's fees may be recovered by the prevailing party. Finally, if the Hearing Officer finds that a public nuisance exists on your property, a violation of the Butte County Code Chapter 34A, the County will contented that you are bound by such finding at any subsequent judicial action to enforce the Hearing Officer's order.

3426d
Matthew G. Culw

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct
 and that this declaration was executed on July 17, 2018 Oroville, California.

FATHER FALLS, CA 95966

OROVILLE, CA 95966

522

CRYSTAL RANCH RD

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CRYSTAL RANCH RD

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DONAHUE MICHAEL JAMES

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DONAHUE MICHAEL JAMES

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522 CRYSTAL RANCH RD

071-270-027
CE18-0567

39° 33.971'N, 121° 22.005'W

4.87 ACRES



522 CRYSTAL RANCH RD

071-270-027
CE18-0567

39° 33.971'N, 121° 22.005'W

4.87 ACRES



¹ Ownership records indicate spelling as Donahue, however, Butte County Assessor's records indicate spelling is Donahue.

Mr. Wilson proceeded with a presentation of the county's evidence. This included sworn testimony from Mr. Torres who testified on behalf of the County. Evidence of the alleged violations and the County's compilation with the hearing procedure was presented in chronological order. The hearing officer had a few brief questions for Mr. Torres concerning his testimony. The purposed owner, Michael James Donahue, was not present at the hearing. No testimony was given by Mr. Donahue or other interested party was present. The hearing lasted about 60 minutes and was tape-recorded.

- Tim Torres- Butte County Code Enforcement Officer
- Matthew Fuchs - Butte County Code Enforcement Officer
- Roger S. Wilson, Esq. - Deputy Butte County Counsel
- Jackson Glick, Esq. - Hearing Officer

The Nuisance Abatement Hearing in the above-referenced matter was held on August 15, 2018, at 7 County Center Drive, Oroville, California 95965. Apparances were as follows:

II. Apparances & Conduct of Hearing

- That the County may recover administrative costs incurred regarding this hearing, as well as any administrative penalties, as set forth herein, pursuant to Chapter 34A-13(g)(1), 34A-16(b), 34C-13(g)(1), and 34C-16(b).
- That the conditions which created a public nuisance were abated as of July 31, 2018.
- The adequacy of the service of the Notice to Abate and Notice of the Nuisance Abatement Hearing was established by the County.
- The fact of property ownership was established by the County.
- That the cultivation of medical marijuana on the subject property violates 34A-3(n) and 34C-3(m) of the Butte County Code and constitutes a public nuisance.

I. Summary of Decision

Hearing Date: Wednesday, August 15, 2018

Street Address: 522 Crystal Ranch Road, Feather Falls, CA

Re: APN: 071-270-027

Nuisance Abatement Hearing

Butte County Department of Development Services

No response was made to the 72-Hour Abatement Notice as required by Chapter 34A-13(a) and 34C-13(a). On or about July 17, 2018, the County served a Notice of Nuisance Abatement Hearing on the record owner, setting the hearing date and reiterating the above violations of Chapter 34A and 34C. This notice of hearing was posted on the property on July 18, 2018 (Ex. G).

5. No municipal sewer or permitted sewage disposal system (34A-7(b) and 34C-7(b))
- 7(a))
4. No permitted water well or connection to municipal water source (34A-7(a) and 34C-7(a))
3. Number of plants being cultivated is greater than authorized (34C-4)
2. Cultivation area is greater than authorized size (34A-4)
1. Parcel does not have a legal residence (34A-3(n) and 34C-3(m))

The County presented evidence that on June 27, 2018, it served a 72 Hour Abatement Notice which was posted on the property after the inspection on June 26, 2018 (Ex. F). The 72-Hour Abatement Notice detailed the following violations of Butte County Code Chapter 34A:

An in-person inspection was conducted on June 26, 2018, by Tim Torres, Butte County Code Enforcement Officer. Mr. Torres was sworn as a witness and presented testimony about the photographs taken during the inspection (Ex. "E"). Mr. Torres testified that during the inspection he identified a group of about 80 marijuana plants covering about a 240 square foot area of the property. Mr. Torres identified these plants in the photographs for the hearing officer. Mr. Torres testified as to his qualifications and experience in identifying marijuana plants. No objection to Mr. Torres' qualifications was presented, as such it is deemed established that Mr. Torres is qualified to identify marijuana plants.

As the owner was not present, the County proceeded by offering its evidence of the inspection of the property. On or about May 30, 2018, the County received an anonymous written complaint about the cultivation of marijuana on the property (Ex. D). A code enforcement officer reviewed the property records and determined that there was no legal residence pursuant to Chapter 34A-3(n) and 34C-3(m) (Ex. B).

The property in question is located at 522 Crystal Ranch Road, Feather Falls, California (hereinafter referred as "the Property"). The Property does not have a residence and is in the unincorporated area of Butte County. The APN is: 071-270-027. The size of the parcel is 4.87 acres. The owner of record is Michael James Donahue (Ex. "A"). The County established proper service of the 72-Hour Notice to Abate as well as the Notice of Nuisance Abatement Hearing pursuant to Chapter 34A-13(a) and (b) (Ex. F and G). Ownership of the property, adequacy of notice both as to the 72-Hour Notice to Abate, as well as the Notice of Nuisance Abatement Hearing, were not challenged by the owner. Accordingly, these issues are deemed established by Butte County and do not warrant further discussion.

1. Property Ownership & Notice.

III. Findings of Fact

Based on the foregoing facts, it is my opinion that Butte County has met its burden of proof in demonstrating that the cultivation of marijuana on the subject property violates Chapter 34A-3(n) and 34C-3(m) of the Butte County Code and thus constitutes a public nuisance. This conclusion is based on the following facts:

In the hearing officer's opinion, the cultivation of any marijuana on the subject property violates the provisions of the above-referenced code section. No evidence was presented at the hearing that there is any legal or permitted residence on the property in question. Rather, the opposite is true; e.g., the Butte County property records presented by the County state that the property has no legal residence. The County additionally established that the marijuana plants were removed as of July 31, 2018.

Based on the foregoing facts, it is my opinion that Butte County has met its burden of proof in demonstrating that the cultivation of any marijuana on the subject property violates 34A-6 and 34A-7.

Mr. Torres testified based on his June 26, 2018, inspection, that there were marijuana plants growing in pots on the property. The photographs taken during this inspection corroborate this testimony and taken together are sufficient to establish the fact that marijuana is being cultivated on the property. Chapter 34A and 34C of the Butte County Code governs cultivation of marijuana in Butte County. Section 34A-3(n) and 34C-3(m) defines the premises upon which marijuana may be cultivated, as follows:

3. Condition of the Property

The County also sought a total of past and future administrative penalties pursuant to Chapter 34A-16(b) and 34C-16(b). These totaled \$11,000 from the date of posting of the 72-Hour Abatement Notice to the date of Notice of Nuisance Abatement Hearing until July 31, 2018, from the date of posting of the Notice of Nuisance Abatement Hearing until July 31, 2018, to the date of posting of the Notice of Nuisance Abatement Hearing until July 31, 2018.

Mr. Wilson submitted a summary of administrative costs regarding the nuisance on the property. (Ex. 1) Administrative costs are requested as per Butte County Code Chapter 34A-13(e) and 34C-13(e), although no amount is detailed in this regard.

Administrative Costs & Penalties.

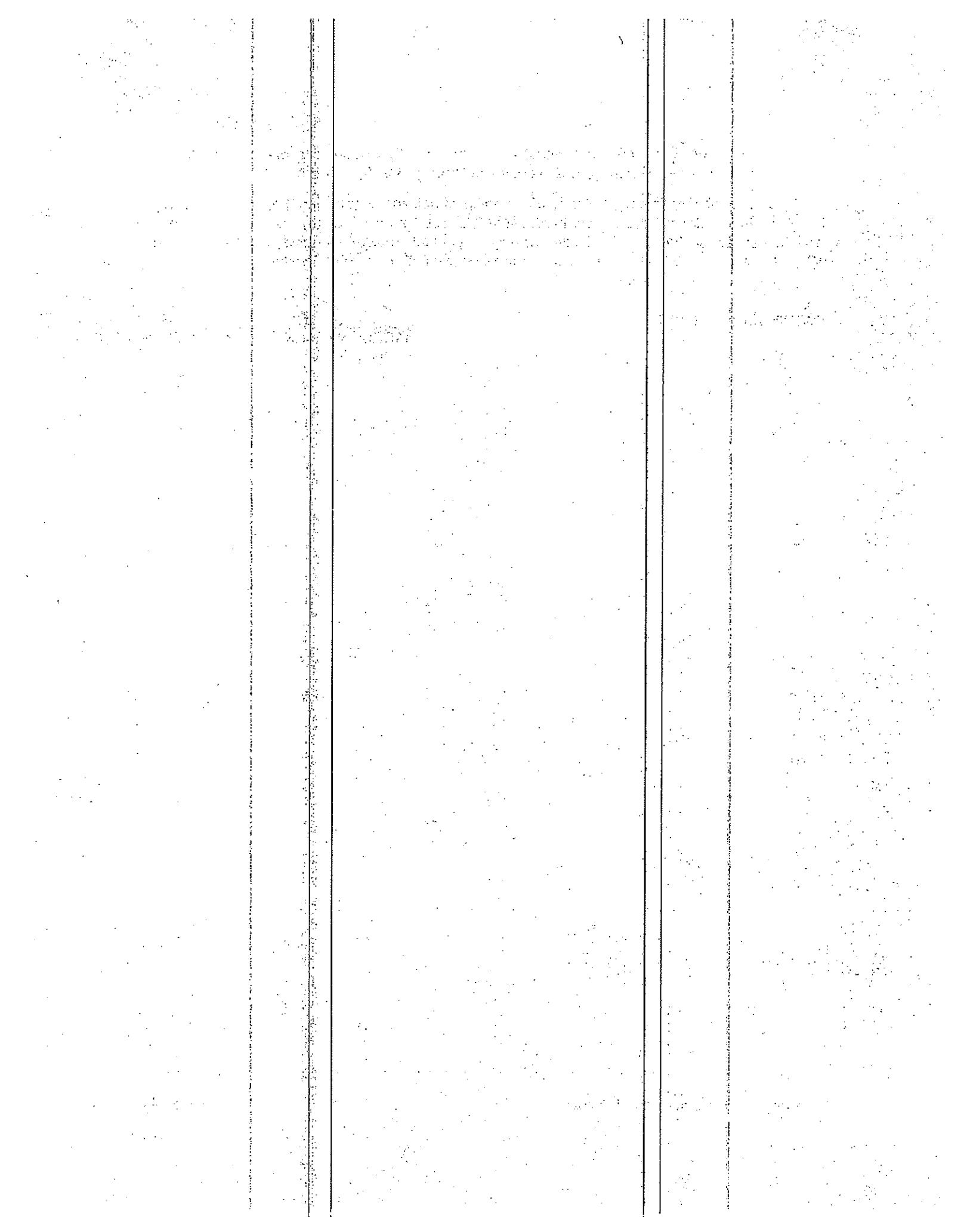
The County offered further photographic evidence from an aerial inspection that was made on July 31, 2018, to determine if abatement had occurred (Ex. H). Photographs from the aerial inspection showed that the plants identified in the initial inspection had been removed. The County stated that the plants identified in the initial inspection had been removed. At no time did the County receive any response from the property owner or a abated. The County stated that as of the July 31st aerial inspection date it considered the nuisance representative.


JACKSON GLUCK
Hearing Officer

DATE: August 24, 2018

Since a violation existed at the time of the notice of nuisance abstraction hearing, the County is entitled to its administrative costs pursuant to 34A-13(e) and 34C-13(e). Since the nuisance was abated as of July 31, 2018, the County is entitled to administrative penalties totaling \$24,000 pursuant to 34A-16(b) and 34C-16(b) as shown in the County's Exhibit 1.

a. There is no legal residence situated on the property, which is a precondition to the cultivation of medical marijuana pursuant to Chapter 34A-3(n) and 34C-3(m);



PROOF OF SERVICE

1 I am employed in the County of Butte, State of California. I am over the age of eighteen
2 years and not a party to the within above-entitled action; my business address is: P.O. Box 908,
3 Gridley, CA 95948.

4 On August 24, 2018, I served the following document:

5 **Nuisance Abatement Statement of Decision**
6 in the following manner:

7 **X** (BY MAIL) I served the document by enclosing it in an envelope and placing the
8 envelope for collection and mailing following our ordinary business practice. I am ready
9 to familiar with this business's practice for collecting and processing correspondence for mailing.
10 On the same day that correspondence is placed for collection and mailing, it is deposited in the
11 ordinary course of business with the United States Postal Service in a sealed envelope with
12 postage fully prepaid. The envelope was addressed and mailed as follows:

13 Michael James Donahue
14 552 Crystal Ranch Road
15 Oroville, CA 95966
16 Michael James Donahue
17 522 Crystal Ranch Road
18 Feather Falls, CA 95966
19 I, Kathy Nelson, CCS, declare under penalty of perjury under the laws of the State of
20 California that the foregoing is true and correct.
21 Executed on August 24, 2018, at Gridley, California.
22
23
24
25
26
27
28
Kathy Nelson, CCS

*****THANK YOU*****
 PAYMENTS MADE AFTER THE ABOVE DATE WILL APPEAR ON NEXT MONTH'S STATEMENT
 WE ACCEPT VISA, MASTERCARD, DISCOVER, AMERICAN EXPRESS AND UNION PAY
 Please make checks payable to Harris, Hamman & Glick

RJG = 180. per hour
 KN = 85. per hour

4401000, 534105, 4401
 VENDOE: 16945

| | Hours | Amount | |
|---------------|-------|----------|--|
| 8/15/2018 RJG | 1.20 | \$216.00 | Admin Hearing - Appear at hearing. |
| 8/24/2018 KN | 0.30 | \$25.50 | Service of Statement of Decision; mail original to Butte County. |
| 8/24/2018 RJG | 1.20 | \$216.00 | Admin Hearing - Appear at hearing. |
| 8/24/2018 KN | 0.30 | \$25.50 | Service of Statement of Decision; mail original to Butte County. |
| 8/24/2018 RJG | 2.80 | \$504.00 | Prepare Statement of Decision. |
| | | \$745.50 | For professional services rendered |

Balance due

In Reference To: Donahue CEB-0567
 071.270.027

Butte County Administration
 25 County Center Drive, Suite 200
 Oroville, CA 95965
 (530) 846-5691
 Gridley, CA 95948
 P.O. Box 908
 SEPTEMBER 04, 2018
 Invoice # 41758

BUTTE COUNTY
 SERVICES
 DEVELOPMENT

A Professional Corporation

SEP 07 2018

HARRIS, HAMMAN & GLICK

Sacramento Law

X 22381

*****THANK YOU*****
PAYMENTS MADE AFTER THE ABOVE DATE WILL APPPEAR ON NEXT MONTH'S STATEMENT
WE ACCEPT VISA, MASTERCARD, DISCOVER, AMERICAN EXPRESS AND UNION PAY
Please make checks payable to Harris, Hamman & Glick

| Hours | Amount | |
|-------|----------|---|
| 1.20 | 216.00 | 8/15/2018 RJG Admin Hearing - Apprear at hearing. |
| 0.30 | 25.50 | 8/24/2018 KN Service of Statement of Decision, mail original to Butte County. |
| 2.80 | 504.00 | 8/24/2018 RJG Prepare Statement of Decision. |
| 4.30 | \$745.50 | For professional services rendered |
| | \$745.50 | Balance due |

In Reference To: Donahue CE18-0567
Butte County Administration
25 County Center Drive, Suite 200
Oroville, CA 95965
Invoice # 41758
September 04, 2018
(530)846-5691
Griddley, CA 95948
P.O. Box 908
A Professional Corporation

HARRIS, HAMMAN & GLICK
Sacramento Law

Tim Snellings, Director

You are also hereby notified that you have 15 days from receipt of this letter to pay the above amounts to the

Department of Development Services and that failure to pay above amounts within 15 days from service of this bill will result in the recording of a lien and the imposition of a special assessment against the property.

| | | | |
|-------------------------------|--------------|--------------------------|--------------|
| Staff Time | \$ 2,829.25 | Total Due: | \$ 27,713.06 |
| Title Report & Recording Fees | \$ 80.00 | Administrative Penalties | \$ 24,000.00 |
| Helicopter Charges | \$ 50.23 | Postage & Fed Ex Costs | \$ 8.08 |
| Hearing Officer Charges | \$ 745.50 | Postage Officer Charges | \$ 8.08 |
| Total Due: | \$ 27,713.06 | | |

A breakdown of the costs incurred are as follows:

The public nuisance on the above property consisted of violations within Butte County Code Chapters 34A-CE18-0567, and hereby demands payment of its Abatement costs, Administrative costs and Administrative Penalties.

You are hereby notified that the County of Butte, pursuant to Butte County Code Chapters 34A and 34C, has incurred costs associated with a public nuisance on property located at 522 CRYSTAL RANCH RD, CA, APN 071-270-027, Chapter 34A-4. Culivation area is greater than authorized, 34A-3(m). Parcel does not have a legal residence, no cultivation can take place on the parcel, 34C-3(m). Parcel does not have a legal residence, no cultivation may take place on the parcel, 34C-4. Number of plants being cultivated is greater than authorized. As a result, and pursuant to Butte County Code Chapter 34A & 34C, you are responsible for paying the sum of \$27,713.06 to the County of Butte pursuant to the Hearing Officer's decision dated August 24, 2018.

To the Property Owners of 522 CRYSTAL RANCH RD, FEATHER FALLS, CA, APN 071-270-027:

DEMAND FOR PAYMENT OF NUISANCE ABATEMENT COST AND PENALTIES

MICHAEL JAMES DONAHUE
522 CRYSTAL RANCH RD
OROVILLE, CA 95966
FATHER FEATHER FALLS, CA 95966

September 10, 2018

7 County Center Drive | T: 530.552.3702 | F: 530.538.7785 | buttecounty.net/dds
Oroville, California 95965



Department of Development Services | Tim Snellings, Director | Pete Calarco, Assistant Director

We served you with our Demand for Payment for Code Enforcement Case Number CE18-0567 for the property located at 522 CRYSTAL RANCH RD, FEATHER FALLS, CA, APN 071-270-027 in September of 2018 in the amount of \$27,713.06. We would like to inform you that this year the Department of Development Services might consider a Marijuana Heating Settlement Agreement offer of 40% of the penalties plus administrative costs. If you are interested in agreeing to a settlement with Butte County, prior to a lien being scheduled for the Board of Supervisors, please call our office to schedule an appointment immediately. If a lien is placed on your parcel, it will be for the full amount of penalties and administration costs. Once a lien has been placed on your property a settlement offer will not be an option.

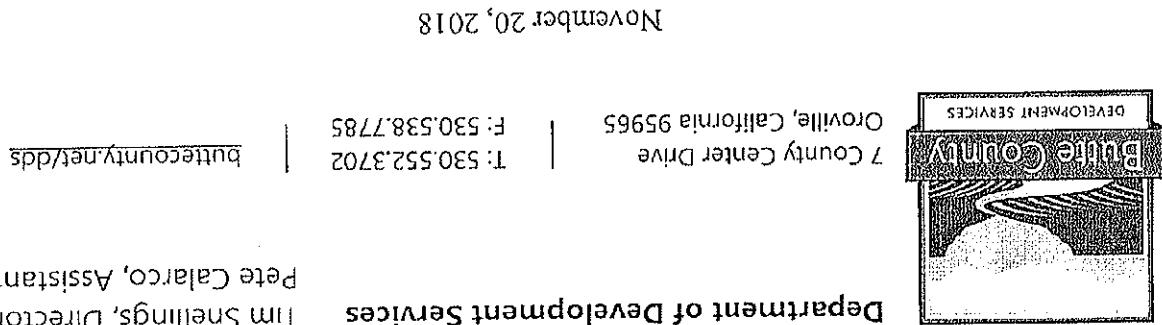
I am enclosing a copy of the original Demand letter for your reference.

Enc. Demand Letter

Butte County Department of Development Services



Tim Snellings, Director



Tim Snellings, Director

You are also hereby notified that you have 15 days from receipt of this letter to pay the above amounts to the Department of Development Services and the Sheriff's Office in the amount of \$27,713.06 less the deduction of a lien and the imposition of a special assessment fee.

| Staff Time | \$ | 2,829.25 | Total Due: | \$ | 27,713.06 |
|-------------------------------|----|----------|--------------------------|----|-----------|
| Title Report & Recording Fees | \$ | 80.00 | Administrative Penalties | \$ | 24,000.00 |
| Helicopter Charges | \$ | 50.23 | Postage & Fed Ex Costs | \$ | 8.08 |
| Heating Officer Charges | \$ | 745.50 | Heating Officer Charges | \$ | 745.50 |

A breakdown of the costs incurred are as follows:

Specifically: 34A-4. Cultivation area is greater than authorized, 34A-3(n). Parcel does not have a legal residence, no cultivation can take place on the parcel, 34C-3(m). Parcel does not have a legal residence, no cultivation may take place on the parcel, 34C-4. Number of plants being cultivated is greater than authorized. As a result, and pursuant to Butte County Code Chapter 31A & 34C, you are responsible for paying the sum of \$27,713.06 to the County of Butte pursuant to the Heating Officer's decision dated August 24, 2018.

DEMAND FOR PAYMENT OF NUISANCE ABATEMENT COST AND PENALTIES

To the Property Owners of 522 CRYSTAL RANCH RD, Foothills, CA, APN 071-270-027:

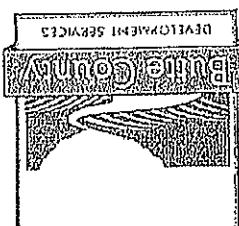
You are hereby notified that the County of Butte, pursuant to Butte County Code Chapters 34A and 34C, has incurred CE1-8-0567, and hereby demands payment of its abatement costs, Administration costs and Administrative Penalties, costs associated with a public nuisance on property located at 522 CRYSTAL RANCH RD, CA, APN 071-270-027, within the public nuisance on the property located at 522 CRYSTAL RANCH RD, CA, APN 071-270-027, and hereby demands payment of its abatement costs, Administration costs and Administrative Penalties.

The public nuisance on the above property consists of violations within Butte County Code Chapters 34A Residually of Cultivation of Medical Marijuana & 34C Residually of Non-Medical Marijuana specifically: 34A-4. Cultivation area is greater than authorized, 34A-3(n). Parcel does not have a legal residence, no cultivation can take place on the parcel, 34C-3(m). Parcel does not have a legal residence, no cultivation may take place on the parcel, 34C-4. Number of plants being cultivated is greater than authorized. As a result, and pursuant to Butte County Code Chapter 31A & 34C, you are responsible for paying the sum of \$27,713.06 to the County of Butte pursuant to the Heating Officer's decision dated August 24, 2018.

MICHAEL JAMES DONAHUE
522 CRYSTAL RANCH RD
OROVILLE, CA 95966
Foothills, CA 95966

September 10, 2018

7 County Center Drive | T: 530.552.3702 | ButteCounty.net/dds
Oroville, California 95965 | F: 530.538.7785



Department of Development Services | Tim Snellings, Director
Pete Calarco, Assistant Director

State of California and that this declaration was executed on November 20, 2018 at Oroville,
I declare under penalty of perjury that the foregoing is true and correct under the laws of the

MICHAEL JAMES DONAHUE
552 CRYSTAL RANCH RD
OROVILLE, CA 95966
FEATHER FALLS, CA 9596
MICHAEL JAMES DONAHUE
552 CRYSTAL RANCH RD
OROVILLE, CA 95966

collected for mailing within the United States Postal Service on the same day.
envelope in the appropriate place within the Department of Development Services where mail is
with first class postage thereon full paid, address as indicated below, and by placing said
LETTER on the person(s) names below by placing a true copy thereof in a sealed envelope,
On November 20, 2018, I served the LETTER RE SETTLEMENT OPTIONS & DEMAND

the United States Postal Service in the ordinary course of business on the same day.
the United States Postal Service and that said correspondence/documents are deposited with
County's practice for collection and processing of correspondence/documents for mailing with
County Counsel, 7 County Center Drive, Oroville, California 95965. I am readily familiar with the
age of eighteen years and not a party to the within action. My business address is Office of the
I am a citizen of the United States and employed in the County of Butte; I am over the

PROOF OF SERVICE

Butte County Department of Development Services
BUILDING * PLANNING * CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965



RETURN SERVICE REQUESTED

MICHAEL JAMES DONAHUE
522 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966

Butte County Department of Development Services
BUILDING • PLANNING • CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965



RETURN SERVICE REQUESTED

MICHAEL JAMES DONAHUE
552 CRYSTAL RANCH RD
OROVILLE, CA 95965

APN: 071-270-027

CASE #: CE18-0567

ADDRESS: 552 CRYSTAL RANCH RD

DATE: 3/18/2019

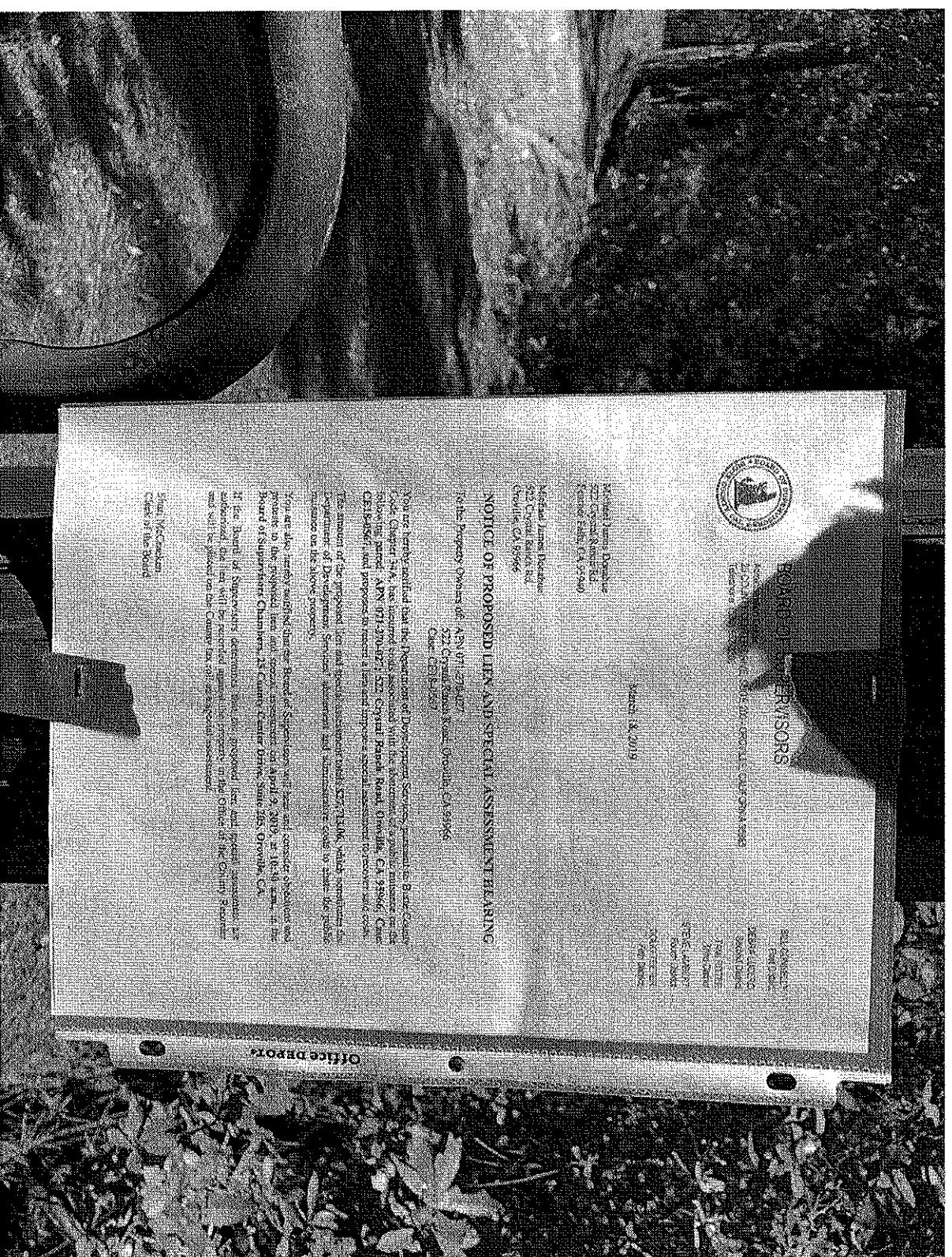
CEO: RJS



NOTICE OF PROPOSED LIENS AND SPECIAL ASSESSMENT HEARING

Notice of

NOTICE OF PROPOSED LIENS AND SPECIAL ASSESSMENT HEARING



Shari McCracken
Clerk of the Board

If the Board of Supervisors determines that the proposed lien and special assessment are authorized, the lien will be recorded against the property in the Office of the County Recorder and will be placed on the County tax roll as a special assessment.

You are also hereby notified that the Board of Supervisors will hear and consider objections and protests to the proposed lien and special assessment on April 9, 2019, at 10:30 a.m., in the Board of Supervisors Chambers, 25 County Center Drive, Suite 205, Oroville, CA.

The amount of the proposed lien and special assessment totals \$27,713.06, which constitutes the Department of Development Services' abatement and administrative costs to abate the public nuisance on the above property.

CE18-0567, and proposes to record a lien and impose a special assessment to recover said costs.

Code Chapter 34A, has incurred costs associated with the abatement of a public nuisance on the following parcel: APN 071-270-027; 522 Crystal Ranch Road, Oroville, CA 95966; Case: CE18-0567, and proposes to record a lien and impose a special assessment to recover said costs.

The amount of the proposed lien and special assessment totals \$27,713.06, which constitutes the Department of Development Services' abatement and administrative costs to abate the public nuisance on the above property.

To the Property Owners of: APN 071-270-027
522 Crystal Ranch Road, Oroville, CA 95966
Case: CE18-0567

NOTICE OF PROPOSED LIEN AND SPECIAL ASSESSMENT HEARING

Michael James Donahue
522 Crystal Ranch Rd.
Oroville, CA 95966

Michael James Donahue
522 Crystal Ranch Rd.
Foothill Falls, CA 95940

March 18, 2019

DOUG TEEETER
Fifth District

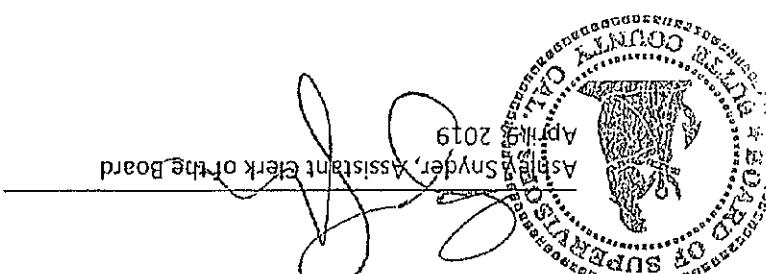
STEVE LAMBERT
Fourth District

TAMI RITTER
Third District

DEBRA LUCERO
Administrative Center
25 COUNTY CENTER DRIVE, SUITE 200 - OROVILLE, CALIFORNIA 95965
Telephone: (530) 562-3300
Second District
BILL CONNELLY
First District



BOARD OF SUPERVISORS



April 9, 2019
Asst. Clerk, Assistant Clerk of the Board

Certification: I hereby certify that the above action was taken by the Butte County Board of Supervisors on the date listed above.

Not Voting: None
Absent: None
Votes: Supervisors Connell, Teeter, and Chair Lamberti
Notes: Supervisors Lucero and Ritter

Board Action: Approved the proposed lien of \$24,000 and a special assessment of \$3,713.06.

Item Subject: Code Enforcement Case No. CE18-0567, 522 Crystal Ranch Road, Featherville, APN 071-270-027 - On August 15, 2018, a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a special assessment and lien to recover the County's costs and penalties for Code Enforcement Case No. CE18-0567 for the property located at 522 Crystal Ranch Road in Featherville Falls (Assessor's Parcel Number 071-270-027) as a special assessment of \$3,713.06 (costs) and proposed lien of \$24,000 (penalties).

Meeting Date: April 9, 2019

Fifth District
DOUG TEETER
Fourth District
STEVE LAMBERT
Third District
TAMI RITTER
Second District
DEBRA LUCERO
First District
BILL CONNELLY

Minute Order No.: 040919 - 5.03.d.

Board of Supervisors



The following information is provided in accordance with Butte County Code Section 34A-13(i) and/or 34C-13(i):

1. Record owner or possessor: Michael James Donahue.

2. Last known address of record owner or possessor: 522 Crystal Ranch Road, Oroville, CA 95966.

3. Description of real property subject to lien: Assessor Parcel Number: 071-270-027 Located at 522 Crystal Ranch Road, Oroville, CA 95966.

4. Date upon which the decision of the Hearing Officer was issued: 8/24/18.

5. Date lien approved by the Board of Supervisors: 4/9/19.

NOTICE IS HEREBY GIVEN that the County of Butte, pursuant to Butte County Code Chapter 34A and/or 34C, has incurred costs associated with the abatement of a public nuisance incurred from the abatement of the public nuisance on said property located at 522 Crystal Ranch Road, Oroville, CA 95966, APN 071-270-027.

Chapters 34A and/or 34C, has incurred costs associated with the abatement of a public nuisance on the following property and hereby claims a lien for the abatement and administrative costs incurred from the abatement of the public nuisance on the following property located at 522 Crystal Ranch Road, Oroville, CA 95966.

TO: Michael James Donahue
522 Crystal Ranch Road
Oroville, CA 95966

LIEN NO.:

NOTICE OF LIEN FOR
ABATEMENT OF PUBLIC NUISANCE

Department of Development Services
7 County Center Drive
Oroville, CA 95965

| | |
|---------------------------|---------------------------|
| RECORDING REQUESTED BY | RECORDING REQUESTED BY |
| BUTTE COUNTY | BUTTE COUNTY |
| Suite 210 | Suite 210 |
| 25 County Council | 25 County Council |
| 25 County Center Drive | 25 County Center Drive |
| Oroville, CA 95965 | Oroville, CA 95965 |
| (530) 552-4070 | (530) 552-4070 |
| When recorded, return to: | When recorded, return to: |
| APR 16 2019 | APR 16 2019 |
| SERVICES | DEVELOPMENT |
| DEPARTMENT | DEPARTMENT |

Requested By B.C. Development Services



Thank You

KL

ECR-REC-11

4/18/2019 12:14:39 PM

2019041800164

| | | |
|----------------|-------|--------|
| Total Charges | 27.00 | Change |
| JOURNAL | 27.00 | |
| Total Tendered | 27.00 | |
| | | |
| REC FEE | 18.00 | |
| CONFIRMED COPY | 0.00 | |
| LEIN NOTICE | 9.00 | |
| SB2 TAX EXEMPT | 0.00 | |
| | | |
| Total Charges | 27.00 | |
| JOURNAL | 27.00 | |
| Total Tendered | 27.00 | |
| | | |

Clerk-Recorders Department
County of Butte
CANDACE J. GRUBBS
County Clerk-Recorder



2019-0020168 4/18/2019 12:14:00 PM